

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Town of Wolfeboro

v.

Civil No. 12-cv-130-JD

Wright-Pierce, Inc.

O R D E R

On August 16, 2012, a preliminary pretrial conference was held in this case. Attorneys Seth Pasakarnis and Rhian Cull appeared for plaintiff; Attorney John Dennehy appeared for defendant. The court approves the Proposed Discovery Plan (document no. 11).

The parties have agreed to file, on or before September 15, 2012, a joint Supplement to the discovery plan that outlines more specifically their plans/agreements with respect to electronic discovery. The court refers the parties to the following outline of potential issues to discuss:

1. Preservation. Counsel should attempt to agree on steps the parties will take to segregate and preserve ESI in order to avoid accusations of spoliation.
2. E-mail Information. Counsel should attempt to agree on the scope of e-mail discovery and e-mail search protocol.

3. Back-up and Archival Data. Counsel should attempt to agree on whether responsive back-up and archival data exists, the extent to which back-up and archival data is reasonably accessible, and who will bear the cost of obtaining such data.
4. Format and Media. Counsel should attempt to agree on the format and media to be used in the production of ESI, and whether production of some or all ESI in paper form is agreeable in lieu of production in electronic format.
5. Reasonably Accessible Information and Costs. Counsel should attempt to determine if any responsive ESI is not reasonably accessible, i.e., is accessible only by incurring undue burdens or costs.

Trial in this case is scheduled for the two-week trial period beginning September 17, 2013.

Landya McCafferty
U.S. Magistrate Judge

Date: August 17, 2012

cc: Rhian Cull, Esq.
John Dennehy, Esq.
Patricia Gary, Esq.
Seth Pasakarnis, Esq.